

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

United States of America  
Plaintiff,

vs.

Carlos A. Howell  
Defendant,

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)  
)  
)  
)  
)

CASE NO. 1:04CR10260-001RCL

Motion for Modification of Sentence  
Pursuant to Title 18 U.S.C. §3582(c)(2)

COMES NOW, the Defendant, Carlos A. Howell acting pro-se and without the aid of counsel. Defendant is not an attorney, has never attended any law school, or participated in any professional training with respect to the filing of legal proceedings. Defendant, respectfully prays that the Court view this petition under the liberal standard set forth for pro-se litigants in Haines v. Kerner, 404 U.S. 519 (1972), and would move this Honorable Court to grant a resentencing pursuant to the Amendment to the United States Sentencing Guidelines for crack cocaine 2D1.1(c), enacted on November 1, 2007 and voted retroactive on December 11, 2007. Based upon the following facts, the Defendant would move this Court to modify his sentence that was imposed on March 9, 2006, and resentence him in this case.

**IN SUPPORT OF THIS MOTION THE DEFENDANT STATES AS FOLLOWS:**

1. On March 9, 2006 this Court (Lindsay, J.) sentenced the defendant to one hundred eight (108) months in prison based on the 100 to 1 powder/crack cocaine ratio of the United States Sentencing Guidelines. The Guidelines place the defendant at level 25; Criminal History category V; with a sentencing range of 100 to 125 months in prison.

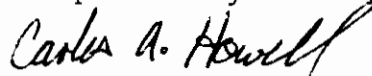
2. On November 1, 2007 the United States Sentencing Commission enacted an Amendment to the United States Sentencing

Guidelines 2D1.1(c) which reduces crack cocaine related offenses by 2 levels. 18 U.S.C. §3582(c)(2) states in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the sentencing commission pursuant to 28 U.S.C. §994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on it's own motion, the Court may reduce the term of imprisonment, after considering the factors set forth in 18 U.S.C. §3553(a) to the extent that they are applicable if such reduction is consistent with applicable policy statements issued by the Sentencing Commission.

3. On December 11, 2007 the Commission voted to give retroactive effect to the Amendment. Defendant is seeking this Honorable Court to apply the Amendment and resentence him applying the 2 level reduction and consider the fact that the amended guidelines still result in sentences that are based on an unwarranted disparity and fails to serve the purpose of sentencing pursuant to 18 U.S.C. §3553(2).

4. Additionally, defendant would pray the Court consider other factors in mitigation of punishment at any resentencing; namely the disparity between powder/crack cocaine and that the defendant can demonstrate exemplary efforts towards rehabilitation within the prison environment by maintaining clear institutional conduct and going above and beyond his B.O.P. Program requirements to be specific, the defendant has completed the following programs. (see attached documents).

Respectfully Submitted,



Dated: 2/25/08

Carlos A. Howell  
Reg. No. 25354-038  
F.M.C.-Devens  
P.O. Box 879  
Ayer, MA. 01432

DEVCE \* INMATE DISCIPLINE DATA \* 02-14-2008  
PAGE 001 OF 001 \* CHRONOLOGICAL DISCIPLINARY RECORD \* 14:47:44

REGISTER NO: 25354-038 NAME.: HOWELL, CARLOS  
FUNCTION...: DIS FORMAT: CHRONO LIMIT TO \_\_\_\_ MOS PRIOR TO 02-14-2008  
RSP OF: DEV-DEVENS FMC

G5463 NO ENTRIES EXIST IN CHRONOLOGICAL LOG FOR TIME PERIOD REQUESTED

DEVCE \* INMATE EDUCATION DATA \* 02-14-2008  
 PAGE 001 OF 001 \* TRANSCRIPT \* 14:48:38

REGISTER NO: 25354-038 NAME.: HOWELL FUNC: PRT  
 FORMAT.....: TRANSCRIPT RSP OF: DEV-DEVENS FMC

----- EDUCATION INFORMATION -----  
 FACL ASSIGNMENT DESCRIPTION START DATE/TIME STOP DATE/TIME  
 DEV ESL HAS ENGLISH PROFICIENT 07-06-2006 1911 CURRENT  
 DEV GED HAS COMPLETED GED OR HS DIPLOMA 09-22-2006 1256 CURRENT

----- EDUCATION COURSES -----  
 SUB-FACL DESCRIPTION START DATE STOP DATE EVNT AC LV HRS  
 DEV LOW (PG) ADV COMPUTER APPLICATIONS 08-27-2007 CURRENT  
 DEV LOW (PF) PERSONAL FINANCE 01-07-2008 CURRENT  
 DEV LOW (PG) 40 HR DRUG EDUCATIO 04-25-2007 08-01-2007 P C P 40  
 DEV LOW (PG) UNDERSTANDING RECIDIVISM 05-22-2007 06-02-2007 P C P 10  
 FTD GP COMPUTER SKILLS VT-7:30-9:00AM 12-12-2006 03-28-2007 P C M 120  
 FTD GP GED W PRE RM239 M-F 0730-0900 09-14-2006 09-22-2006 P W I 8

----- HIGH TEST SCORES -----  
 TEST SUBTEST SCORE TEST DATE TEST FACL FORM STATE  
 ABLE NUMBER OPR 5.6 08-24-2006 FTD E  
 PROB SOLV 8.9 08-24-2006 FTD E  
 READ COMP 3.6 08-24-2006 FTD E

G0000 TRANSACTION SUCCESSFULLY COMPLETED


# *Certificate of Completion*

awarded to

*Carlo J. Howell*


In recognition of 120-hour training in Microsoft Windows XP and Office 2003 Professional Suite. He has achieved the ability to use, navigate, and understand the basic concepts of Business Application Software.

April 6, 2007

  
Mr. M. Haggerty  
VT Computer Instructor



Microsoft  
Windows  
Professional

  
Mr. D. Watford  
Supervisor of Education

# Federal Medical Center Devens Education Department

Presents



Carlos Howell

This

## Certificate of Completion

*For successfully completing 10 hours of classroom study in*

### Understanding Recidivism

*In witness thereof, the undersigned given this 2<sup>nd</sup> day of June 2007*

Ms. Benet-Rivera, Supervisor of Education

A. Laver, ACE & Pre-Release Coordinator



# FMC IDEVENS



Carlos Howell ~ 25354-038

completed the Drug Education Program on  
August 1, 2007

*Diana Schoeller*  
Diana Schoeller  
Pre-Doctoral Intern

*Susan C. Bates*  
Susan C. Bates, Ed.D.  
Drug Abuse Program Coordinator

FMC Devens, Education Department

# Certificate of Completion

This is to certify that

**CARLOS HOWELL**

Has successfully completed 10 Hrs of classroom study in

**PERSONAL FINANCE**

In witness thereof the undersigned given this 18<sup>th</sup> day of January 2008

\_\_\_\_\_  
A. Laver, ACE-RPP Coordinator

\_\_\_\_\_  
Ms. Benet-Rivera, Supervisor of Education



## **FINAL DUES**

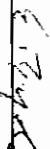
# **VT Business Computer Applications**


The Education Department is pleased to present this certificate to

*Carlos Howell*

*for successfully completing 260 hours of classroom study and computer lab workshop  
in Advanced Microsoft Office 2000 Applications.*

*In witness thereof, the undersigned given this 22nd day of February 2008.*

  
\_\_\_\_\_  
Mr. E. Boyack  
VT Computer Instructor

  
\_\_\_\_\_  
Ms. Benet-Rivera  
Supervisor of Education


**PROOF OF SERVICE**

I, Carlos A. Howell, certify that on February 25<sup>th</sup>, 2008. I mailed a copy of this document and all attachments via First Class mail to the following parties at the address listed below. That such pleadings are to be considered filed pursuant to Houston v. Lack, 487 U.S. 266 (1988).

United States Attorney  
2300 U. S. Courthouse  
One Courthouse Way  
Boston, MA. 02210-3002

I certify that this document was given to officials on this date for forwarding to the United States District Court for the District of Massachusetts. I further certify under penalty of perjury that the forgoing is true and correct. Title 28 U.S.C. §1746.

Respectfully submitted this 25<sup>th</sup> day of February, 2008.

  
\_\_\_\_\_  
Carlos A. Howell, pro-se  
Number: 25354-038  
FMC - Devens  
P.O. Box 879  
Ayer, MA. 01432